

COMMONWEALTH OF MASSACHUSETTS

NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING

Wednesday May 8, 2013
9 a.m. to 4 p.m.

239 Causeway Street ~ 4th Floor ~ Room 417A&B
Boston, Massachusetts 02114

Preliminary Agenda
5/2/2013 9:17AM

Time	Item #	Item	Exhibits	Staff Contact
9 a.m.	I.	Call to Order		
	II.	Approval of Agenda	Agenda	
	III.	Adjudicatory Session	Closed Session	
	IV.	G.L. c. 112, § 65C Session	Closed Session	
10:30 a.m.	V.	Approval of Minutes A. March 13, 2013 Regularly Scheduled Meeting	Minutes	
	VI.	Reports A. Chairperson and Board Members' Reports B. Executive Director's Report C. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP 7. Probation Monitor	none report report none report report report report quarterly report	RH CR CS LT JMP AF/HC VI/DM KF

Item #	Item	Exhibits	Staff Contact
XI.	Education A. 244 CMR 6.04(1)(c) & (f) notifications: 1. Bay Path Regional Vocational Technical School, CEO 2. Medical Professional Institute, PN Program Administrator #1 3. Medical Professional Institute, PN Program Administrator #2 4. University of Massachusetts Boston, RN Program Administrator 5. University of Massachusetts Dartmouth, CEO B. 244 CMR 6.06(2) Waiver Application: 1. Regis College, Direct Entry Masters Registered Nurse Program 2. Regis College, Baccalaureate degree Registered Nurse Program 3. Endicott College, Baccalaureate degree Registered Nurse Program	Memo Report Report Report	JMP JMP JMP JMP
XII.	Review of Board Administrative Policy 08-01: Delegation of Signature Authority to Executive Director or Designee	Memo	RH
XIII.	Win Initiative for Nursing (WIN) Update and Proposed Policy 13-01: Win Quad	Memo	RH
XIV.	FY 14 Board Meeting Schedule	Memo	RH
XV.	FY 14 Annual Nominations for Election of Board Officers	Memo	RH
XVI.	Scope of Practice Evaluation Framework	Memo	CS

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**

239 Causeway Street, Room 417A
Boston, MA 02114

**Minutes of the Regularly Scheduled Board Meeting
Wednesday, May 8, 2013**

Board Members Present

S. Kelly, RN/NP, Chair
K. Gehly, RN/NP, Vice Chair
P. Gales, RN
J. Killion, LPN
B. Levin, RN
A. Peckham, RN
E. Richard Rothmund, Public Member
J. Roy, RN
C. Simonian, PharmD, RPh

Board Members Not Present

M. Beal, RN/NM
C. Lundeen, RN
C. Tebaldi, RN/NP

Board Staff Present

R. Harb, RN, Executive Director
H. Cambra, RN, JD, Complaint Resolution Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
V. Iyawe, RN, SARP Coordinator
D. McLellan, RN, SARP Coordinator
J. Pelletier, RN, Nursing Education Coordinator
C. Robertson, RN, Deputy Executive Director
C. Silveira, RN, Assistant Director
M. Strachan, JD, Board Counsel
L. Talarico, RN/NP, Nursing Practice
T. Westgate, Paralegal

Board Staff Not Present

V. Berg, JD, Board Counsel
C. Jackson, BA, SARP/MPRS Coordinator

Guests

See attached list.

TOPIC:

Call to Order

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:05 a.m., S. Kelly, Chairperson, called the May 8, 2013 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of the Agenda

DISCUSSION:

None

ACTION:

Motion by E.R. Rothmund, seconded by K. Gehly, and unanimously passed to approve the agenda as presented.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by E. R. Rothmund, seconded by B. Levin, and unanimously passed by roll call vote to go into Adjudicatory Session at 9:07 a.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 9:07 a.m. to 9:40 a.m.

TOPIC:

G.L. c. 112, s. 65C Session

DISCUSSION:

None

ACTION:

Motion by M. J. Roy, seconded by B. Levin, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 9:41 a.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 9:41 a.m. to 11:00 a.m.

RECESS 11:00 a.m. to 11:00 a.m.

TOPIC:

Approval of the Minutes of the March 13, 2013, Regularly Scheduled Board Meeting

DISCUSSION:

None

ACTION:

Motion by E.R. Rothmund, seconded by B. Levin, and unanimously passed to accept the Minutes of the March 13, 2013, Regularly Scheduled Board Meeting as presented.

TOPIC:**Reports**

- A. A Chairperson and Board Members Reports: none
- B. Executive Director's Report: Board members reviewed R. Harb's previously distributed report, Ms. Harb announced that James Lavery has been appointed Director of the Division of Health Professions Licensure.
- C. Staff Reports:
 - 1. Board members reviewed C. Robertson's previously distributed report
 - 2. No report
 - 3. Board members reviewed L. Talarico's previously distributed reports.
 - 4. Board members reviewed J. Pelletier's previously distributed report.
 - 5. Board members reviewed A. Fein's and H. Cambra's previously distributed memo.
 - 6. Board members reviewed V. Iyawe's and D. Mclellan's previously distributed report
 - 7. Board members reviewed K. Fishman's previously distributed report.

ACTION:

- A. So noted.
- B. So noted.
- C. So noted.

TOPIC:**Consensus Agenda**

- A. NCSBN Update
- B. Coalition for the Prevention of Medical Errors Update
- C. Quarter 1, 2013 NCLEX Reports

DISCUSSION:

- A. Board members reviewed L. Talarico's previously distributed Memo
- B. Board members were provided the April and May 2013 reports and March and April 2013 minutes provided by the Coalition for the Prevention of Medical Errors
- C. Quarter 1, 2013 NCLEX Reports

ACTION:

- A. Accepted by consensus
- B. Accepted by consensus
- C. Accepted by consensus

TOPIC:**Requests for License Reinstatement**

- 1. M. Gianelli, RN136232; NUR-2009-0061

DISCUSSION: Board members reviewed T. Westgate's previously distributed memos which identified the Licensee's previous conduct, admissions, Board action and licensee's compliance with reinstatement terms

ACTION: Motion by E. R. Rothmund, seconded by B. Levin and unanimously voted to grant Licensee's request for reinstatement as she has met the requirements outlined in her agreement.

TOPIC:

A. Part I - Resolution of Pending Board Complaints

1. A. O'Reilly, RN229252, NUR-2012-0133
2. E. Rivera, LN86477, NUR-2012-0250
3. A. Doyle, LN65861, NUR-2012-0269
4. B. Eastham, RN2261116, NUR-2012-0223
5. B. Dupont, LN37360, NUR-2013-0025
6. S. Tate, RN147575, NUR-2013-0041
7. J. Rosario, LN69756, NUR-2012-0026
8. J. Rogers, RN233259, NUR-2012-0232
9. D. Auger, LN54673, NUR-2012-0290
10. R. Kingsley, LN67154, NUR-2012-0256

B. Part I - Resolution of Pending Board Staff Assignments

1. H. Sullivan, RN102497, SA-INV-2509
2. P. Kellogg, RN/NP163778, SA-INV-2810

A. Part II - Resolution of Pending Board Complaints

1. R. Lugolole, LN85768, NUR-2012-0163
2. C. Gallagher, RN234545, NUR-2012-0072
3. P. Sprenger, RN230301, NUR-2012-0165
4. H. Chabuz, RN176732, NUR-2012-0195
5. D. Watson, RN270130, NUR-2012-0214
6. C. Thomas, RN132026, NUR-2012-0171
7. K. Fitzpatrick-Johnson, RN237853, NUR-2012-0169
8. J. Cook, LN35669, NUR-2012-0170
9. T. Dolan, RN2270906, NUR-2013-0020
10. C. Heywood, RN190758, NUR-2013-0042
11. R. Esielionis, LN58943, NUR-2013-0022

B. Part II - Resolution of Pending Board Staff Assignments

1. M. Lee, RN212008/LN51506(exp), SA-INV-2659
2. C. Ferguson, RN155228, SA-INV-2882
3. L. Barry, RN262334, SA-INV-2918

DISCUSSION:

Compliance Officers and the Complaint Resolution Coordinators presented their previously distributed Investigative Reports for Board Review and Action together with relevant clarifications, supplemental information and revised Complaint Resolution Coordinators' recommendations as necessary, if any.

ACTION:

A. Part I - Resolution of Pending Board Complaints

1. A. O'Reilly, RN229252, NUR-2012-0133 – Motion by P. Gales, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for at least one (1) year.
2. E. Rivera, LN86477, NUR-2012-0250 – Motion by B. Levin, seconded by A. Peckham and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, six (6) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for at least one (1) year.
3. A. Doyle, LN65861, NUR-2012-0269 – Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for SURRENDER of her LPN license for an indefinite period with reinstatement requirements that also include documentation of her successful completion (within sixty (60) days of the effective date of the agreement) of the American Heart Association Adult and Pediatric BLS certifications for healthcare professionals, six (6) contact hours on Documentation in Nursing Practice, four (4) contact hours on Airway Management of the Pediatric Patient, two (2) contact hours on Care of the Patient with a Tracheostomy, three (3) contact hours on Critical Thinking and Clinical Reasoning in Nursing and successful completion of the Basic Head to Toe Patient Assessment course with a passing score of at least 80% given by EGDT, Inc. found at <http://www.edgt.com>, and a POST-SURRENDER PROBATION for at least one (1) year.
4. B. Eastham, RN2261116, NUR-2012-0223 - Motion by C. Simonian, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include the standard mental health evaluation, documentation of her successful completion of six (6) contact hours on Maintaining Professional Boundaries, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Patient Abuse, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for one (1) year.
5. B. Dupont, LN37360, NUR-2013-0025 - Motion B. Levin, seconded by A. Peckham and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for a *NON-DISCIPLINARY* STAYED PROBATION of her LPN license a three (3) month period that incorporates the Board's standard probation

agreement requirements regarding practice setting restrictions, supervisor verification, supervision and performance evaluations, active practice and continuing education related conditions, as well as documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing including Maintaining the Security of Controlled Substances, three (3) contact hours on Legal and Ethical Aspects of Nursing, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.

6. S. Tate, RN147575, NUR-2013-0041- Motion by E.R. Rothmund, seconded by P. Gales and voted unanimously to DISMISS the complaint without prejudice based on discipline not warranted.
7. J. Rosario, LN69756, NUR-2013-0026 – Motion by B. Levin, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for an indefinite period of time with reinstatement requirements that also include the standard either/or substance abuse related requirements, a standard medical evaluation, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Legal and Ethical Aspects of Nursing and six (6) contact hours on Maintaining the Security of Controlled Substances in Nursing, and a STANDARD POST-SURRENDER PROBATION for at least one (1) year.
8. J. Rogers, RN233259, NUR-2012-0232 – Motion by B. Levin, seconded by P. Gales and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of his RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, a standard medical evaluation, a standard mental health evaluation (that may be incorporated in the addictionologist evaluation if the Licensee obtains this alternative), the standard criminal activity related requirements, documentation of his successful completion of six (6) contact hours on Medication Error Prevention, six (6) contact hours on Documentation in Nursing Practice, six (6) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and six (6) contact hours on Effective Communication in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for at least two (2) years.
9. D. Auger, LN54673, NUR-2012-0290- Motion by J. Killion, seconded by K. Gehly and voted unanimously to Upon receipt, within sixty (60) days of continuing education that meets the Board's regulatory requirements for renewal cycle 2007-2011, DISMISS this complaint with a *NON-DISCIPLINARY CAUTION* that states that all nurses licensed by the Commonwealth are expected to adhere to the laws and regulations governing nursing practice, including but not limited to, engaging in therapeutic communication and maintaining patient's rights and dignity. Otherwise offer a STANDARD CONSENT AGREEMENT FOR REPRIMAND of her LPN license.
10. R. Kingsley, LN67154, NUR-2012-0256- Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for an indefinite period with reinstatement requirements to include documentation of her successful completion of three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for six (6) months.

B. Part I - Resolution of Pending Board Staff Assignments

1. H. Sullivan, RN102497, SA-INV-2509 – Motion by E.R. Rothmund, seconded by J. Roy and voted unanimously to CLOSE the Staff Assignment without further action based on insufficient evidence to substantiate the allegations of any nursing practice breakdown.
2. P. Kellogg, RN/NP163778, SA-INV-2810 – Motion by P. Gales, seconded by B. Levin and voted unanimously to CLOSE the Staff Assignment without further action based on insufficient evidence to substantiate the allegations of any nursing practice breakdown.

A. Part II - Resolution of Pending Board Complaints

1. R. Lugolole, LN85768, NUR-2012-0163 - Motion by E.R. Rothmund, seconded by J. Roy and voted unanimously to DISMISS the complaint without prejudice with a *NON-DISCIPLINARY* cautionary letter that states that all nurses licensed by the Commonwealth are expected to adhere to the laws and regulations governing nursing practice including, but not limited to, medication administration and documentation practices.
2. C. Gallagher, RN234545, NUR-2012-0072 – Motion by E.R. Rothmund, seconded by J. Roy and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of his RN license for six (6) months that also requires: (1) documentation of his successful completion of six (6) contact hours on Delegation and Supervision in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Critical Thinking and Clinical Judgment in Nursing Practice, and (2) an Affidavit from the Licensee attesting that he has reviewed, understands and adheres to the requirements set forth in Board Regulation at 244 Code of Massachusetts Regulation 3.05, *Delegation and Supervision of Selected Nursing Activities by Licensed Nurses to Unlicensed Personnel*, and the Board's Standard of Conduct Policy 01-01, *Determination of Compliance with the Standard of Conduct at 244 CMR 9.03(15) Prohibiting Patient Abandonment*.
3. P. Sprenger, RN230301, NUR-2012-0165 – Motion by P. Gales, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her RN license for at least one (1) year that also requires documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Clinical Judgment in Nursing Practice.
4. H. Chabuz, RN176732, NUR-2012-0195 – Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of his RN license for an indefinite period, but not less than (1) day, with reinstatement requirements that also include the standard either/or substance abuse related requirements, standard criminal activity related requirements, documentation of his successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for at least one (1) year.
5. D. Watson, RN270130, NUR-2012-0214 – Motion by K. Gehly, seconded by E.R. Rothmund and voted unanimously to DISMISS the complaint without prejudice with a NON-DISCIPLINARY CAUTION that all nurses licensed by the Board must adhere to the standards of nursing practice that require a nurse to accept and write a valid verbal order only when the nurse receives such an

order personally from the patient's prescribing provider, and to also recognize and protect confidential patient information and privacy.

6. C. Thomas, RN132026, NUR-2012-0171 – Motion by E.R. Rothmund, seconded by P. Gales and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for one (1) year with reinstatement requirements that also include a standard forensic mental health evaluation, a standard medical evaluation, the standard criminal activity related requirements and documentation of her successful completion of six (6) contact hours on Legal and Ethical Aspects of Nursing Practice, six (6) contact hours on Critical Thinking and Clinical Judgment in Nursing Practice, six (6) contact hours on Nursing Care of the Diabetic Patient that includes the topic of Insulin Management, the NSCBN 5.4 contact hour continuing education course on Documentation, an affidavit from the Licensee attesting to her review and understanding of the continuing education requirements for nursing licensure renewal set forth by Board regulations at 244 CMR 5.00 *et seq*, and a STANDARD POST-SURRENDER PROBATION for at least two (2) years.
7. K. Fitzpatrick-Johnson, RN237853, NUR-2012-0169 – Motion by B. Levin, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for one (1) year with reinstatement requirements that also include a standard forensic mental health evaluation, the standard criminal activity related requirements and documentation of her successful completion of six (6) contact hours on Legal and Ethical Aspects of Nursing Practice, six (6) contact hours on Critical Thinking and Clinical Judgment in Nursing Practice, six (6) contact hours on Nursing Care of the Diabetic Patient that includes the topic of Insulin Management, the NSCBN 5.4 contact hour continuing education course on Documentation, and a STANDARD POST-SURRENDER PROBATION for at least two (2) years.
8. J. Cook, LN35669, NUR-2012-0170 – Motion by J. Killion, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for one (1) year with reinstatement requirements that also include the standard criminal activity related requirements and documentation of her successful completion of six (6) contact hours on Legal and Ethical Aspects of Nursing Practice, six (6) contact hours on Critical Thinking and Clinical Judgment in Nursing Practice, six (6) contact hours on Nursing Care of the Diabetic Patient that includes the topic of Insulin Management, the NSCBN 5.4 contact hour continuing education course on Documentation, an affidavit from the Licensee attesting to her review and understanding of the continuing education requirements for nursing licensure renewal set forth by Board regulations at 244 CMR 5.00 *et seq*, and a STANDARD POST-SURRENDER PROBATION for at least two (2) years.
9. T. Dolan, RN2270906, NUR-2013-0020 – Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of his RN license for a indefinite period with reinstatement requirements that also include a standard mental health evaluation, standard criminal activity related requirements, and documentation of his successful completion of six (6) contact hours on Legal and Ethical Aspects of Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.
10. C. Heywood, RN190758, NUR-2013-0042 – Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC

and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include the standard mental health evaluation documentation of her successful completion of six (6) contact hours on Patient Rights, three (3) contact hours on Maintaining Professional Boundaries, three (3) contact hours on Therapeutic Communication, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for one (1) year.

11. R. Esielionis, LN58943, NUR-2013-0022- Motion by B. Levin and seconded by J. Roy and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her LPN license for six (6) months that also requires documentation of her successful completion of six (6) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.

B. Part II - Resolution of Pending Board Staff Assignments

1. M. Lee, RN212008/LN51506(exp), SA-INV-2659- Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to CLOSE the Staff Assignment without further action based on insufficient evidence to establish the allegations.
2. C. Ferguson, RN155228, SA-INV-2882- Motion by B. Levin, seconded K. Gehly and voted unanimously to CLOSE the staff assignment with no further action as the criminal matters and licensure discipline have been satisfied appropriately.
3. L. Barry, RN262334, SA-INV-2918- Motion by A. Peckham, seconded by K. Gehly and voted unanimously to CLOSE the Staff Assignment without further action based on insufficient evidence to establish the allegations.

Lunch Recess 12:20 p.m. – 12:55 p.m.

TOPIC:

Probation

1. T. Kurian, LN-08-034 –Licensee requested that the Board modify her Probation Agreement by finding that she has substantially complied with the Agreement when she submitted three quarterly employer reports and not the four required employer reports.

1. DISCUSSION:

Board members reviewed K. Fishman, Probation Monitor's previously distributed memo which summarized the history of Licensee's past complaints, the resolutions thereto and the most recent matter. Licensee has been on Probation as of November 2, 2010 because she failed to properly assess a patient who was unresponsive and who had sustained a burn to her shoulder. The Licensee was employed after signing the Agreement, however, she did not notify her employer immediately of that fact.. The employer reported that she made two medication errors in the first quarter. She received acceptable reviews for the second and third quarters but did not submit the fourth and final quarter review as she was terminated from her employment. A review of all the circumstances reveals a history of deception on the Licensee's part. She requested that the Board accept the three quarterly reports as "substantial compliance" with her probation agreement. The Board denied her request

ACTION:

Motion by E. R. Rothman, seconded by P. Gales and unanimously voted to deny the Licensee's request for probation modification and move to suspend her license due to failure to comply with the terms of her probation.

TOPIC:

A. 244 CMR 6.04(1)(c) & (f) notifications:

1. Bay Path Regional Vocational Technical School, CEO
2. Medical Professional Institute, PN Program Administrator #1
3. Medical Professional Institute, PN Program Administrator #2
4. University of Massachusetts Boston, RN Program Administrator
5. University of Massachusetts Dartmouth, CEO

B. 244 CMR 6.06(2) Waiver Application:

1. Regis College, Direct Entry Masters Registered Nurse Program
2. Regis College, Baccalaureate degree Registered Nurse Program
3. Endicott College, Baccalaureate degree Registered Nurse Program

DISCUSSION:

A.. Members reviewed J. Pelletier's previously distributed memo.

B. 1. Diane Welch, DNP, RN, Associate Dean of Nursing was present to answer Board member question. Members reviewed J. Pelletier's previously distributed Compliance Report.

2. Diane Welch, DNP, RN, Associate Dean of Nursing was present to answer Board member question. Members reviewed J. Pelletier's previously distributed Compliance Report. It was noted that upon review of the NLNAC Site Visitors Report by J. Pelletier the following comment was noted: "It is important to mention that the part-time students are eligible to sit for the NCLEX-RN before earning their degree. Many part-time students sit for the NCLEX-RN and then finish the remaining two (2) elective courses. The MA Board of Registration for Nursing allows them to test after completing all of their required nursing courses as long as the program submits a waiver form verifying that they have completed the required clinical and theory requirements. The waiver is allowed because students already hold a BA or BS, and the nursing degree is a second baccalaureate degree. It has been verified that no student enrolled in the part-time baccalaureate degree program has written NCLEX. Modeling the part-time program after the both the full-time baccalaureate and the graduate curriculums resulted in a misunderstanding of the Board's regulations which has been clarified to enrolled students. The part-time program enrolled the first cohort of students in September 2011 and will not be eligible to write NCLEX until the completion of the program in Spring 2014. The NLNAC has been contacted and this misrepresentation of the Board's approval has been corrected.

3. Kelly Fisher, RN, PhD, Dean, School of Nursing was present to answer Board member questions. Members reviewed J. Pelletier's previously distributed Compliance Report. It was noted that the Board-recognized accrediting agency in nursing (the NLNAC) is requiring a follow-up report in two (2) years, this was based on a finding of non-compliance with NLNAC *Standard 2 Faculty and Staff, Criterion 2.1*; specifically, not all faculty are credentialed with a minimum of a master's degree with a major in nursing; these are the part-time adjunct clinical faculty that have been appointed in accordance with the Board's Education Policy 02-02.

ACTION:

A. Motion by E. Rothmund, seconded by K. Galey, and unanimously voted to find compliance with regulation 244 CMR 6.04(1) (f) in the notification of the appointment of: John Lafleche, Superintendent (CEO), Bay Path Regional Vocational Technical High School and Divina Grossman, Chancellor (CEO), University of Massachusetts Dartmouth; and Find compliance with regulation 244 CMR 6.04(1)(c) & (f) in the notification of the appointment of: Anne Marie Fortin, MSN, RN, Director (Program Administrator), PN Program, Medical Professional Institute; and Anahid Kulwicki, DNS, RN, Dean, College of Nursing and Health Sciences, (Program Administrator), Baccalaureate Degree Registered Nurse Program, University of Massachusetts Boston.

B. 1. Motion by P. Gales, seconded by B. Levin, and unanimously voted to grant waiver of 244 CMR 6.06(1)(a) based on review of the findings and recommendations of Board-recognized accrediting agency in nursing, and Program's Annual Reports to the Board

2. Motion by B. Levin, seconded by P. Gales, and unanimously voted to grant waiver of 244 CMR 6.06(1)(a) based on review of the findings and recommendations of Board-recognized accrediting agency in nursing, and Program's Annual Report to the Board, with recommendations to enhance the integrity of the program: Review and revise all program documents (paper and electronic) to ensure that information intended to inform the public is current, clear, accurate, and consistent.

3. Motion by P. Gales, seconded by B. Levin, and unanimously voted to grant waiver of 244 CMR 6.06(1)(a) based on the findings and recommendations of the Board-recognized accrediting agency in nursing, and the Program's Annual Reports to the Board.

TOPIC:

Review of Board Administrative Policy 08-01: Delegation of Signature Authority to Executive Director or Designee

DISCUSSION:

Board members reviewed R. Harb's previously distributed report and policy

ACTION:

Motion by E.R. Rothmund, seconded by J. Killion, and unanimously passed to retain approved Administrative Policy 08-01: Delegation of Signature Authority to Executive Director or Designee as written

TOPIC:

Win Initiative for Nursing (WIN) Update and Proposed Policy 13-01: WIN Quad

DISCUSSION:

Board members reviewed R. Harb's previously distributed report and proposed policy 13-01: WIN Quad

ACTION:

Motion by E.R. Rothmund, seconded by J. Killion, and unanimously passed to approve Proposed Policy 13-01: WIN Quad, consider all pending prosecution complaints opened prior to January 1, 2012 eligible for WIN Quad resolution and add them to the WIN cases effective immediately.

TOPIC:

FY 14 Board Meeting Schedule

DISCUSSION:

Board members reviewed R. Harb's previously distributed proposed FY 14 Board meeting schedule. Ms. Harb asked Board members to consider changing the October 2013 Board meeting to the third Wednesday of the month to accommodate attendance of Bureau Director and Division staff at each other Nursing Board or Public Health Council meetings

ACTION:

Motion by A-M. Peckham, seconded by E.R. Rothmund, and unanimously passed to approve the FY 14 proposed Board Meeting Schedule inclusive of a meeting scheduled for October 16, 2013

TOPIC:

FY 14 Annual Nominations for Election of Board Officers

DISCUSSION:

Ms. Harb reviewed the process for nominations and elections and asked Board members to submit nominations for the June 2013 Ballot

ACTION:

So noted

TOPIC:

Scope of Practice Evaluation Framework

DISCUSSION:

Members reviewed C. Silveira's previously distributed memo and proposed Framework for Evaluating Scope of Practice Activities. Members also reviewed an information sheet prepared by Ms. Silveira and distributed at the meeting. Ms. Silveira noted that the information sheet was not intended to provide an exhaustive comparative analysis of the: Institute of Medicine's Future of Nursing report and chapter 224, Acts of 2012, or the findings of studies which support APRN practice quality, safety and access. Ms. Silveira also noted that the framework would facilitate consistency and transparency in the Board's evaluation of new scopes of practice activities as innovative health care delivery models emerge in response to health care reform.

ACTION:

Motion by E.R. Rothmund, seconded by J. Killian, and unanimously passed to approve the proposed Framework for Evaluating Scope of Practice Activities, endorsing calls for all nurses to practice to the full extent of their education and training, and supporting the independent practice of Advanced Practice Registered Nurses through the elimination of unnecessary scope of practice restrictions.

TOPIC:

Adjournment

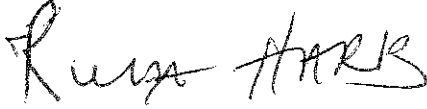
DISCUSSION:

None

ACTION:

Motion by E.R. Rothmund seconded by B. Levin, and passed unanimously to adjourn the meeting at 2:50 p.m.

Respectfully submitted by:

A handwritten signature in dark ink, appearing to read "Rula Harb". The signature is fluid and cursive, with the first name "Rula" and last name "Harb" clearly distinguishable.

Rula Harb, MS, RN, Executive Director
Board of Registration in Nursing

Reviewed by: Mary Strachan, Board Counsel
Board of Registration in Nursing

Agenda with exhibits list attached

COMMONWEALTH OF MASSACHUSETTS

NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING

Wednesday May 8, 2013
9 a.m. to 4 p.m.

239 Causeway Street ~ 4th Floor ~ Room 417A&B
Boston, Massachusetts 02114

Agenda

5/2/2013 9:17AM

Time	Item #	Item	Exhibits	Staff Contact
9 a.m.	I.	Call to Order		
	II.	Approval of Agenda	Agenda	
	III.	Adjudicatory Session	Closed Session	
	IV.	G.L. c. 112, § 65C Session	Closed Session	
10:30 a.m.	V.	Approval of Minutes A. March 13, 2013 Regularly Scheduled Meeting	Minutes	
	VI.	Reports A. Chairperson and Board Members' Reports B. Executive Director's Report C. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP 7. Probation Monitor	<p>none report</p> <p>report none report report report report quarterly report</p>	<p>RH</p> <p>CR CS LT JMP AF/HC VI/DM KF</p>

	Item #	Item	Exhibits	Staff Contact
	VII.	Consensus Agenda A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update C. Quarter 1, 2013 NCLEX Reports	Memo March 2013 Minutes & April 2013 Report Memo/Tables	LT LT JMP
	VIII.	Requests for License Reinstatement 2. M. Gianelli, RN136232; NUR-2009-0061	Memo	TW/MS
	IX.	A. Resolution of Pending Board Complaints - Part I 11. A. O'Reilly, RN229252, NUR-2012-0133 12. E. Rivera, LN86477, NUR-2012-0250 13. A. Doyle, LN65861, NUR-2012-0269 14. B. Eastham, RN2261116, NUR-2012-0223 15. B. Dupont, LN37360, NUR-2013-0025 16. S. Tate, RN147575, NUR-2013-0041 17. J. Rosario, LN69756, NUR-2012-0026 18. J. Rogers, RN233259, NUR-2012-0232 19. D. Auger, LN54673, NUR-2012-0290 20. R. Kingsley, LN67154, NUR-2012-0256 B. Resolution of Pending Board Staff Assignments - Part I 3. H. Sullivan, RN102497, SA-INV-2509 4. P. Kellogg, RN/NP163778, SA-INV-2810	Investigative Report (IR) IR IR IR IR IR IR IR IR IR IR	IH/ASF IH/ASF IH/ASF IH/HC IH/HC IH/HC MFS/ASF MFS/ASF MFS/HC MEM/HC MEM/ASF IH/ASF
12:30 -1p.m.		Lunch		

1 p.m.	X.	Probation A. Request for Termination of Probation 1. T. Kurian, LN51795, LN-08-034	Memo	KF
	Item #	Item	Exhibits	Staff Contact
	XI.	Education A. 244 CMR 6.04(1)(c) & (f) notifications: 6. Bay Path Regional Vocational Technical School, CEO 7. Medical Professional Institute, PN Program Administrator #1 8. Medical Professional Institute, PN Program Administrator #2 9. University of Massachusetts Boston, RN Program Administrator 10. University of Massachusetts Dartmouth, CEO B. 244 CMR 6.06(2) Waiver Application: 1. Regis College, Direct Entry Masters Registered Nurse Program 2. Regis College, Baccalaureate degree Registered Nurse Program 3. Endicott College, Baccalaureate degree Registered Nurse Program	Memo Report Report Report	JMP JMP JMP JMP
	XII.	Review of Board Administrative Policy 08-01: Delegation of Signature Authority to Executive Director or Designee	Memo	RH
	XIII.	Win Initiative for Nursing (WIN) Update and Proposed Policy 13-01: Win Quad	Memo	RH
	XIV.	FY 14 Board Meeting Schedule	Memo	RH
	XV.	FY 14 Annual Nominations for Election of Board Officers	Memo	RH

